

## Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB83

**Endangered and Threatened Wildlife and Plants; The Plant, Water *Howellia* (*Howellia aquatilis*), Determined To Be a Threatened Species**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) determines *Howellia aquatilis* (water howellia) a wetlands plant, to be a threatened species. Populations of *H. aquatilis* are extant in Montana, Washington, and Idaho, but this aquatic plant has been extirpated from California, Oregon, and some sites in Washington and Idaho. The species is threatened by loss of wetland habitat and habitat changes due to timber harvesting, livestock grazing, residential development, and competition by introduced plant species. Listing *H. aquatilis* will afford this species protection under the Endangered Species Act of 1973, as amended.

**EFFECTIVE DATE:** August 15, 1994.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Office of the Field Supervisor, U.S. Fish and Wildlife Service, Montana State Office, 100 North Park Avenue, Suite 320, Helena, Montana 59601.

**FOR FURTHER INFORMATION CONTACT:** Dale Harms at the above address (406/449-5225).

**SUPPLEMENTARY INFORMATION:****Background**

*Howellia aquatilis* (water howellia) is a monotypic genus in the bellflower family (Campanulaceae). The plant was first described by Grey in 1879 from specimens collected in Multnomah County near Portland, Oregon. Water howellia is described as an aquatic annual plant that grows 10–60 cm (4–24 in) in height. It has extensively branched, submerged or floating stems with narrow leaves 1–5 cm (0.4–2 in) in length. Two types of flowers are produced: small, inconspicuous flowers beneath the water's surface, and emergent white flowers 2–2.7 mm (0.08–0.11 in) in length. The plant is predominantly self-pollinating, and each fruit contains up to 5 large (2–4 mm; 0.08–1.6 in) brown seeds (Shelly and Moseley 1988).

Water howellia historically occurred over a large area of the Pacific

Northwest region of the United States, but today the species is found only in specific habitats within the Pacific Northwest (Shelly and Moseley 1988; Gamon 1992). It has been reported from Mendocino County, California; Clackamas, Marion, and Multnomah Counties, Oregon; Mason, Thurston, Clark, and Spokane Counties, Washington; Kootenai and Latah Counties, Idaho; and Lake and Missoula Counties, Montana (Jokerst 1980; Shelly and Moseley 1988; Oregon Natural Heritage Program 1991; Gamon 1992). Distribution of howellia in eastern Washington, Idaho, and Montana is most likely related to the glacial history of these areas (Shelly and Moseley 1988; Gamon 1992). Populations in Oregon and in Clark County, Washington, occur within the floodplains of the lower Columbia and Willamette Rivers.

Howellia grows in firm consolidated clay and organic sediments that occur in wetlands associated with ephemeral glacial pothole ponds and former river oxbows (Shelly and Moseley 1988; Lesica 1992). These wetland habitats are filled by spring rains and snowmelt runoff; and depending on temperature and precipitation, exhibit some drying during the growing season. This plant's microhabitats include shallow water, and the edges of deep ponds that are partially surrounded by deciduous trees (Shelly and Moseley 1988; Gamon 1992; N. Curry, U.S. Fish and Wildlife Service, in litt., 1993).

Howellia reproduces entirely from seed and germination only occurs when ponds dry out and the seeds are exposed to air (Lesica 1990, 1992). The size of a population is affected by the extent of drying the previous growing season (Lesica 1992). Thus, populations vary in annual abundance (Lesica 1992; Roe and Shelly 1992), and exceedingly wet or dry seasons can have a detrimental effect on plant numbers the following year. The length of time seeds remain viable is unknown. However, seeds that remain in the soil longer than 8 months have shown decreased rates of germination and vigor (Lesica 1992).

Genetic variability in howellia populations is low throughout its range (Lesica et al. 1988). This suggests that all populations of howellia most likely represent a single, narrowly adapted genotype. This low rate of genetic variability within populations may explain why the species is restricted to a highly specific habitat.

Only seventy-nine small populations of this aquatic plant were known to exist when the proposed rule to list the species was published (58 FR 19795). Subsequent inventories conducted for howellia in the State of Washington

located 28 new sites in Spokane County alone, thus expanding the number of known populations to 107 (Roe and Shelly 1992; N. Curry, in litt., 1993; J. Gamon, Washington Natural Heritage Program in litt., 1993; R. Moseley, Idaho Conservation Data Center, in litt., 1993). In Montana, this aquatic plant has been found in only 13.5 percent of 437 potential habitats that have been surveyed since 1987 (Roe and Shelly 1992). *Howellia* appears to be extirpated from California and Oregon and from Mason, and Thurston Counties in Washington, and Kootenai County in Idaho (Jokerst 1980; Shelly and Moseley 1988; Oregon Natural Heritage Program 1991; Camon 1992).

Nearly all of the remaining populations of *howellia* are clustered in two main population centers or metapopulations. Within these areas, individual populations occur primarily in clusters of closely adjacent ponds, although some ponds within the range of these metapopulations are unoccupied. One metapopulation near Spokane, Washington, consists of 46 individual populations in Spokane County, Washington, and one in Latah County, Idaho. A second metapopulation is found in the drainage of the Swan River in northwestern Montana (Lake and Missoula Counties), where 59 individual populations are found. In addition to metapopulations, a third site near Vancouver in southwestern Washington (Clark County) contains two small populations that are in close proximity of each other (Gamon 1992).

The large fluctuations in annual numbers, the low genetic variability, and habitat specificity indicates that isolated populations of *howellia* may be vulnerable to extirpation (Lesica 1992). However, the individual populations within the metapopulations appear interdependent, and may act as founders (Lesica 1992; S. Shelly, pers. comm., 1991). Most populations are extremely small. The fifty-nine populations found in Montana cover an area of only about 51 ha (127 acres). Of this area, one population occurs in a 12-ha (30-acre) pond, one in a 2-ha (5-acre) pond, one in a 1.6-ha (4-acre) pond, 4 in 1.2 ha (3 acres) of ponds, 24 in ponds of 0.4 to 0.8 ha (1 to 2 acres) in size, and the remaining 28 are in ponds of 0.4 ha (1 acre) or less (Shelly and Moseley 1988; Schassberger and Shelly 1991). The U.S. Forest Service (Forest Service) estimates total area of occupied and suitable unoccupied habitat on Forest Service lands to be less than 80 ha (200 acres) (J. Overbay, U.S. Forest Service, in litt., 1993).

Populations of *howellia* occur both on private and public lands. Of the 59 known populations in Montana, 21 (36 percent) are found on private lands, 34 (57 percent) occur on lands administered by the Forest Service, and 4 (7 percent) occur on a mixture of private and Forest Service lands (Schassberger and Shelly 1991). In Washington, 34 of the 47 populations (72 percent) are found on Service administered lands, 11 (24 percent) occur on private lands, 1 (2 percent) is on State land, and 1 (2 percent) is on Bureau of Land Management land (J. Gamon, in litt., 1993). The one population in Idaho occurs solely on private property (Shelly and Moseley 1988).

In the February 21, 1990, Notice of Review, the species was reclassified from a Category 2 to a Category 1 species because: (1) it has been extirpated from a large portion of its previously known range, (2) it has narrow ecological requirements, (3) it has a low degree of inter- and intrapopulation genetic variation, and (4) habitat alteration is presently continuing throughout a major portion of its range (Shelly and Moseley 1988).

On October 30, 1991, the Service was petitioned by the Biodiversity Legal Foundation to list *howellia* as an endangered species. A petition finding and proposed rule to list *H. aquatilis* as a threatened species without designating critical habitat was published in the April 16, 1993, *Federal Register* (58 FR 19795).

#### Summary of Comments and Recommendations

A proposed rule to list this aquatic plant was published on April 16, 1993 (58 FR 19795). In that rule, all interested parties were requested to submit any reports or information that might contribute to the development of a final rule. Newspaper notices inviting public comment were published in six different newspapers in Washington, Idaho, and Montana (from May 5 to May 7, 1993). The Service received 12 comments from 2 Federal and 3 State agencies, and 7 from private organizations, companies, and individuals. Ten comments were in support of the listing, one was opposed, and one did not state a position.

Comments pertinent to this rulemaking on whether *Howellia aquatilis* merits listing and if critical habitat should be designated are discussed in the following summary:

**Issue 1:** One individual representing a cattlemen's association opposed the listing of *howellia* due to the potential economic effects it may have on private

landowners on whose property it is located, especially if this land is used for livestock grazing.

**Response:** The Service is required to evaluate five listing criteria in making a decision on whether a species should be listed as threatened or endangered. During this evaluation, the Service did determine that livestock grazing is a threat to the plant and its habitat. However, listing this species as threatened does not preclude livestock grazing by private landowners on their property.

**Issue 2:** Two individuals believe that critical habitat should be designated since it would protect the mosaic of ponds necessary for the long-term survival of *howellia*.

**Response:** The Service finds that designation of critical habitat is not prudent at this time. The Service is concerned that publication of site-specific maps of critical habitat might increase take and vandalism at these sites. Only federally authorized, permitted, or funded activities that would destroy or adversely modify critical habitat would be precluded if critical habitat were designated. The Service believes that section 7 consultation without critical habitat designation will sufficiently protect those populations that occur on Federal lands.

#### Summary of Factors Affecting the Species

The Service has determined that *howellia* should be listed as a threatened species based on a thorough review and consideration of all available information. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the act. These factors and their application to *Howellia aquatilis* (water *howellia*) are as follows:

##### A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

*Howellia aquatilis* has narrow ecological requirements and any subtle changes in its habitat could devastate a population. Any disturbance that alters the surface or subsurface hydrology of the habitat can negatively influence a population. Activities that affect the ecology of a wetland bottom habitat also may affect wetland succession and the survival of *howellia* populations.

*Howellia aquatilis* and its wetlands habitats are being threatened by *Phalaris arundinacea* (reed canary grass), a highly competitive, robust grass that invades wetlands. Reed canary grass has the potential to extirpate *howellia*

populations due to its ability to rapidly form dense monocultures, causing the decline of nearly all other plants in a wetland (Apfelbaum and Sams 1987). This exotic grass accelerates the rate of wetland succession causing significant changes in substrate and water table levels (Gamon 1992).

Both native and exotic varieties of this grass occur in North America and it is not known whether the variety that occurs in wetlands within the range of howellia is native or exotic (Lackschewitz 1991; L. Kunze, Washington Natural Heritage Program, pers. comm., 1993). However, due to the pernicious character of the invasions, and the lack of historical records of its presence in this region, some ecologists in the Pacific northwest believe this invasive variety of *P. arundinacea* is an exotic form that was introduced by humans (L. Kunze, pers. comm., 1993; S. Vrilakas, Oregon Natural Heritage Program, pers. comm., 1993).

Howellia is most abundant in areas with little or no other aquatic vegetation, since it does not compete well with other plants (Gamon 1992). Howellia has been observed growing amongst reed canary grass stands, but only where these stands are sparse or in openings (N. Curry, in litt., 1993). Reed canary grass is considered a major threat to howellia in the State of Washington since it occurs in 83 percent of the ponds where howellia is present. This exotic also threatens the howellia population in Idaho since it is present in nearby ponds (R. Moseley, in litt., 1993). Reed canary grass has also been found in several of the Montana ponds occupied by howellia (Shelly and Moseley 1988).

*Lythrum salicaria* (purple loosestrife), another aggressive exotic plant, also poses a threat to howellia (Gamon, in litt., 1993), because it can out-compete and eliminate other aquatic plants (West 1990). Purple loosestrife is present in Lake County, Montana, and also in the immediate vicinity of the Spokane howellia metapopulation (West 1990; N. Curry, pers. comm., 1993).

Impacts associated with timber harvest also pose a threat to *H. aquatilis* populations. Of the 59 populations of howellia in the Swan Valley, Montana, 22 (37 percent) occur within areas where logging has occurred around the wetland margins (Shelly and Moseley 1988). In Montana, 58 percent of the populations of howellia occur on Forest Service lands, and an additional 7 percent occur on lands partially owned by the Forest Service (Schassberger and Shelly 1991). Thirty-eight percent of the private lands in Montana where

howellia occurs are owned by the Plum Creek Timber Company (Shelly and Moseley 1988). Timber harvest has been increasing within the area of the Spokane metapopulation (Gamon 1992).

The removal of trees from around ponds may cause an increase in water temperatures and evaporation, thus increasing wetland drying and influencing plant succession. Increased siltation occurs in wetlands where logging or associated road building and maintenance is conducted, also impacting bottom substrates and the vegetational composition of the sites. Water howellia occurs most frequently in ponds with firm, consolidated organic clay bottom sediments. It also is found in more open areas within these ponds. An increase in bottom sedimentation and subsequent competition from other vegetation could have an adverse effect on *H. aquatilis* populations.

Livestock, by their grazing and trampling, can also adversely affect howellia populations due to the disturbance of shorelines and associated vegetation. Trampling of bottom sediments adversely affects the seed bank and the consolidated substrate which appears to be necessary for germination. Additionally, livestock waste increases nutrient loading in wetlands causing a change in the water quality that may alter pond vegetation composition. It is not known how much grazing impact can be tolerated by *H. aquatilis*, although the plant still exists in ponds that have been disturbed by grazing (N. Curry, pers. comm., 1993; B. Wiseman, Ridgefield National Wildlife Refuge, pers. comm., 1992). The timing, magnitude, and duration of grazing evidently influences the plant's ability to withstand grazing. The cumulative impacts of grazing and other human-induced disturbances threaten a number of populations.

The California population may have been eliminated by cattle grazing and trampling (Griggs and Dibble 1979), and two wetlands on private lands in Montana with populations of *H. aquatilis* have been heavily impacted by domestic livestock, especially horses (Shelly and Moseley 1988). In Washington, 23 percent of the populations occur on private lands (J. Gamon, pers. comm., 1991), many of which are subject to grazing. Additionally, grazing occurred on some of the lands administered by the Service until 1993 (N. Curry, pers. comm., 1993). In Spokane County, Washington, several of the ponds containing *H. aquatilis* have been significantly altered by past and current grazing practices.

Sites where howellia was historically found in Oregon have been converted to urban areas, and an increase in residential development is occurring in the Spokane metapopulation area (Gamon 1992). Additionally, the construction of dams along the Columbia and Willamette Rivers has led to a loss of suitable wetland habitats (Shelly and Moseley 1988; Gamon 1992). Many wetlands within the historic range of *H. aquatilis* have been drained, filled, or excavated for other uses (Gamon 1992).

#### *B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes*

Overutilization for commercial, recreational, scientific, or educational purposes is presently not a threat to *H. aquatilis*. However, listing the species due to its taxonomic status as a monotypic genus may generate increased public interest. The Service has not designated critical habitat because the publication of precise maps and descriptions of critical habitat in the Federal Register could lead to increased take and vandalism (Gamon 1992).

#### *C. Disease or Predation*

*Howellia aquatilis* may be subject to foraging by native and domestic animals, but it was found that domestic livestock do not feed on *H. aquatilis* in Idaho (Shelly and Moseley 1988). Incidence of disease is not known.

#### *D. The Inadequacy of Existing Regulatory Mechanisms*

Some protection already exists for this species since it is contained on the U.S. Forest Service's list of sensitive species for the Pacific Northwest region. A sensitive species designation may help control the use of the species and its habitat. Federal laws, such as the Clean Water Act and the Food Security Act, and some State laws protect wetlands. However, it is doubtful that these laws are adequate to protect howellia and its habitats. Populations that occur entirely on private lands receive no Federal protection.

#### *E. Other Natural or Manmade Factors Affecting Its Continued Existence*

The lack of genetic variation between populations of *H. aquatilis*, and its extremely specialized habitat requirements add to the vulnerability of the species. Because of its low genetic variability, howellia may be less able to adapt to abrupt environmental changes (Lesica et al. 1988). As a result, this species may be vulnerable to random

environmental events and/or habitat alterations.

Short- and long-term climatic changes could affect *H. aquatilis* by influencing the drying patterns of wetlands.

Successive years of exceedingly wet or dry weather are expected to cause declines or even extirpation of some of the populations. Long-term climatic changes could also cause these shallow wetlands to dry up, ultimately causing expiration of the species.

Natural wetland succession due to sediment deposition may in turn affect the existing plant community. This natural succession could cause the extirpation of *H. aquatilis* populations (Jokerst 1980; Shelly and Moseley 1988; Camon 1992).

The Service has assessed the best scientific and commercial information available regarding past, present, and future threats to this species in determining to publish this rule final. Based on this evaluation, the preferred action is to list *Howellia aquatilis* (water howellia) as a threatened species. The Service has determined that, although it is not in immediate danger of extinction, howellia is likely to become an endangered species in the foreseeable future if the present threats and declines continue.

Howellia has been extirpated from over one-third of its known range (Shelly and Moseley 1988). Although additional populations of this plant have recently been discovered, the Service does not believe that the overall status of the species has changed as a result of these recent discoveries. Nearly all known howellia populations are clustered within two areas of the northwestern United States, and these populations exhibit little genetic variation between or among populations. This highly specialized aquatic is vulnerable to both natural and human disturbances which if continued, will lead to its eventual extinction. For the reasons given below, it is not prudent to designate critical habitat for howellia at this time.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is presently not prudent for the species because it could lead to increased take and vandalism. Publication of precise maps and descriptions of critical habitat in the Federal Register would likely contribute to vandalism of the species or its habitat (Camon 1992).

The proper Federal, State, and local agencies have been notified of the locations and management needs of this plant. Landowners have been notified of the location and importance of protecting habitat of this species. Protection of its habitat will be addressed through the recovery process and through the section 7 consultation process. The Service believes that Federal involvement can be effective without the designation of critical habitat and finds that designation of critical habitat for this plant is not prudent at this time.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Listing encourages conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with States and requires that recovery actions be carried out for all listed species. The protection required of Federal Agencies and the prohibitions against certain activities involving listed species are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal Agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal Agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal Agency must enter into formal consultation with the Service.

In the case of howellia, Federal activities that might be affected by listing this plant as threatened include timber harvest, livestock grazing, road construction, and filling of wetlands. Such Federal activities may be subject to section 7 review.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 for threatened species set forth a series of general prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50

CFR 17.71, apply. These prohibitions, in part, make it illegal for any person, subject to the jurisdiction of the United States, to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale, this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. In some instances permits may be issued for a specified time to relieve undue economic hardship. The Service anticipates that few trade permits would ever be sought or issued because *H. aquatilis* is not utilized in trade. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 432, Arlington, Virginia, 22203-3507 (703/358-2104).

#### National Environmental Policy Act

The Service has determined that listing actions pursuant to section 4(a) of the Endangered Species Act of 1973, as amended, do not require an Environmental Assessment as defined under the authority of the National Environmental Policy Act of 1969. A notice outlining the Service's reasons for this determination was published in the October 25, 1983 Federal Register (48 FR 49244).

#### References Cited

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#### Author

The primary author of this proposed rule is Lori H. Nordstrom, Montana State Office (See ADDRESSES section). Harold M. Tyus, Denver Regional Office, U.S. Fish and Wildlife Service, Denver, Colorado served as editor.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, and Transportation.

#### Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. § 17.12(h) is amended by adding the following, in alphabetical order under Campanulaceae—Bellflower family, to the List of Endangered and Threatened Plants to read as follows:

#### § 17.12 Endangered and threatened plants.

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(h) • • •

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Campanulaceae—Bellflower family:						
<i>Howellia aquatilis</i>	Water howellia	U.S.A. (MT, ID, WA, OR, T CA).			NA	NA

Dated: June 30, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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